

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Case No. 3:21-CV-400

HOLLY PARK TOWNHOME  
ASSOCIATION, INC.,

Plaintiff,

v.

MAIN STREET AMERICA ASSURANCE  
COMPANY,

Defendant.

**NOTICE OF REMOVAL**

NOW COMES Defendant Main Street America Assurance Company, through counsel, respectfully petitioning the United States District Court for the Western District of North Carolina, to remove the above-captioned action commenced in the Superior Court of Union County, File No. 21-CVS-1865, to this Court pursuant to 28 U.S.C. § 1441, *et. seq.*, and in support thereof, shows the Court the following:

1. The Petitioner herein is the Defendant in a civil action brought against it in the Superior Court of the State of North Carolina, Union County, entitled “*Holly Park Townhome Association, Inc., Plaintiff v. Main Street America Assurance Company, Defendant*”, Docket No. 21-CVS-1865.

2. Counsel for Plaintiff has indicated that the Complaint accompanying this Petition was sent to the Commissions of Insurance on or about June 30, 2021. No receipt of service has been received from the Department of Insurance or from Plaintiff’s counsel; however, Defendant Main Street America Assurance Company is filing this Notice of Removal out of an abundance of caution and in an effort to sure that it is timely filed pursuant to 28. U.S.C. § 1446(b).

3. This action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and it is one which may be removed to this Court by Petitioner, the defendant, pursuant to the provisions of 28 U.S.C. § § 1441 and 1446. More particularly, the amount in controversy in this action exceeds the sum of \$75,000.00, exclusive of interest or costs, and the two parties to this action are citizens of different states. Plaintiff has alleged that it is a North Carolina non-profit homeowners association with its principle place of business in Indian Trail, North Carolina, and Defendant Main Street America Assurance Company is a corporation organized and existing under the laws of the State of Florida, with its principal place of business and domicile located in the State of Florida.

4. This Court is a proper venue for the removal of this action under 28 U.S.C. § 1446(a) because it is located in the district and division where the state court action was pending.

5. All documents associated with the Superior Court of Union County, North Carolina, File No. 21-CVS-1865 of which Defendant Main Street America Assurance Company is aware are attached hereto as Exhibit 1. Upon information and belief, Plaintiff's Complaint is the only pleadings filed in the state court matter.

6. The date on or before which Defendant Main Street America Assurance Company is required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to Plaintiff's Complaint has not lapsed.

7. A copy of this Notice of Removal will be filed with the Clerk of Court for Union County, along with a Notice of Filing of Notice of Removal, and both will be served on the other party to this action forthwith. A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit 2.

WHEREFORE, Petitioner requests and hereby give notice that the above-entitled action now pending against it in the Superior Court of North Carolina, in and for the County of Union, be removed therefrom to this Honorable Court.

Respectfully submitted this the 3<sup>rd</sup> day of August, 2021.

**TEAGUE, CAMPBELL, DENNIS & GORHAM, LLP**

BY: /s/ Rebecca R. Thornton  
Rebecca R. Thornton  
N.C. State Bar No. 40008  
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## **CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served this **Notice of Removal** in the above-entitled action upon all other parties to this cause by depositing a copy hereof, postage paid, in the United States mail, addressed to said parties as follows:

Robert H. Jessup  
Howard, Stallings, From, Atkins, Angell & Davis, PA  
5410 Trinity Road, Suite 210  
Raleigh, NC 27607  
*Attorney for Plaintiff*

This the 3<sup>rd</sup> day of August, 2021.

**TEAGUE, CAMPBELL, DENNIS & GORHAM, LLP**

BY: /s/ Rebecca R. Thornton  
Rebecca R. Thornton  
*Attorney for Defendant Main Street America  
Assurance Company*